

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

JENNIFER CHEN,)

Defendant.)

Criminal Action No.
1:12-CR-350-SCJ-AJB

MAGISTRATE JUDGE'S ORDER

Presently before the Court is Defendant's Motion to Permit Travel with her Children During Thanksgiving Week to Orlando, Florida. Docket Entry [70]. The Government has filed a response in opposition. Docket Entry [72]. Notably, Defendant Chen's Probation Officer, David Davis, also opposes Defendant's motion. Defendant Chen seeks to travel outside of the district for ten days, from November 22, 2013, to December 1, 2013, to travel to Orlando, Florida. For the reasons set forth below, Defendant's Motion to Permit Travel with her Children During Thanksgiving Week to Orlando, Florida is **DENIED**. Docket Entry [70].

On October 17, 2012, a grand jury sitting in the Northern District of Georgia returned an Indictment against Defendant charging her with conspiring with others to defraud the United States in violation of Title 18 U.S.C. §§ 541, 542. Docket Entry [1]. In responding in opposition to Defendant Chen's motion, the Government contends that Defendant Chen's husband or ex-husband, Curtis Gung, a Co-Defendant in this case, fled the country upon learning that the Government would seek to indict him for the

offenses listed in the Indictment. The Government further contends that Defendants Chen and Gung's interests were very much aligned prior to Gung's flight. In addition, the Government asserts that it has evidence demonstrating that Defendant Chen was a knowing and willful participant in the illegal agreement to evade anti-dumping duties charged in the Indictment.

Defendant Chen, a Taiwanese citizen and a naturalized American citizen, is currently on location monitoring. Pursuant to the location monitoring program, a voice verification system places and/or receives random telephone calls to Defendant Chen's residence to verify her presence at her home at the time previously designated by the Court. In opposing Defendant's request to travel outside the district, Probation Officer Davis has informed the undersigned that neither location monitoring nor radio frequency monitoring can be used to verify Defendant Chen's location when she is out of the district.

Having read and considered Defendant Chen's motion, the Government and Probation Officer Davis's opposition to said motion, Defendant Chen's motion is **DENIED**. This Court's denial of Defendant's motion is based, in part, on the following:

1. The strength of the Government's case against Defendant Chen;
2. The Court cannot to track Defendant Chen's location while out of the district;
3. Defendant Chen's ties to Taiwan;
4. The fact that Curtis Gung, the father of Defendant Chen's children and her ex husband/Co-Defendant, fled the country to avoid prosecution;

5. The length of time, ten days, that Defendant Chen is requesting to be outside of the district; and
6. The Government will be filing new charges in a superseding indictment in the near future.

In sum, this Court concludes that the current bond conditions are necessary to minimize Defendant Chen's flight risk. Accordingly, Defendant's Motion to Permit Travel with her Children During Thanksgiving Week to Orlando, Florida is **DENIED**. Docket Entry [70].

SO ORDERED this 18th day of November, 2013.

s/Linda T. Walker
LINDA T. WALKER
UNITED STATES MAGISTRATE JUDGE